

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LLOYD NEIL POPE,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-07-1331-F
)	
EDWIN CARNS, M.D., et al.,)	
)	
Defendants.)	

ORDER


Plaintiff Lloyd Neil Pope, a prisoner appearing *pro se* and *in forma pauperis* whose pleadings are liberally construed, brings this action pursuant to 42 U.S.C. § 1983, alleging a violation of his constitutional rights.

Plaintiff has objected to the July 31, 2008 Report and Recommendation of Magistrate Judge Doyle W. Argo, in which Magistrate Judge Argo recommends that defendant Dr. Steven Magness's motion to dismiss for insufficient service of process be denied, and further recommends that plaintiff be granted an extension of time to serve Dr. Magness unless Dr. Magness agrees to waive service. (Objections at doc. no. 61; Report at doc. no. 59; Dr. Magness's motion to dismiss at doc. no. 50.) As required by 28 U.S.C. §636(b)(1), the court has reviewed all objected to matters *de novo*. Having concluded that review, and after careful consideration of plaintiff's objections, the record, and the relevant authorities, the court finds that it agrees with the Report and Recommendation of the Magistrate Judge and that no purpose would be served by stating any further analysis here.

Accordingly, plaintiff's objections to the Report and Recommendation of Magistrate Judge Argo are **DENIED**, and the Report and Recommendation is **ACCEPTED, ADOPTED, and AFFIRMED** in its entirety. Dr. Steven Magness's

motion to dismiss is **DENIED**. Plaintiff is **GRANTED** an extension, until thirty days from the date of this order, within which to serve Dr. Magness by one of the methods identified by the Magistrate Judge in his Report, unless Dr. Magness agrees to waive service.

Dated this 3rd day of September, 2008.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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